



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 2, 2024

BY CM/ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: **United States v. Ari Teman**, S2 19 Cr. 696 (PAE)

Dear Judge Engelmayer:

The Government respectfully writes in response to the Court's March 28, 2024 Order (the "March 28 Order"), to report what it has learned from consultation with the Bureau of Prisons ("BOP") about defendant Ari Teman's ("Teman") dietary and religious needs. (Dkt. 435). Concerns about a "new change" to the dietary offerings at FCI Miami, the BOP facility at which Teman is in custody, were raised in an email from Teman's parents to the Court, dated March 26, 2024, which is appended to the March 28 Order. The BOP advised the Government that the "new change" to dietary offerings at FCI Miami relate to a reported temporary closure of FCI Miami's commissary. The commissary was closed, for inventory purposes, from approximately March 25 through 29, 2024, and reopened on April 1, 2024. As set forth below, it is unclear whether the brief closure of the prison commissary impacted Teman's self-reported dietary restrictions, and the BOP is making efforts to meet Teman's religious needs during Passover.

First, the email from Teman's parents states that, as a result of the temporary (now complete) closure of the prison commissary, Teman will be unable to obtain foods that are "kosher, lactose-free, and wheat free." (March 28 Order Ex. A). As an initial matter, the Government understands that the commissary reopened on April 1, 2024. The Government further understands that Teman's housing unit had access to the prison commissary on Wednesdays during the first quarter of 2024, meaning that he likely missed approximately one visit to the commissary as a result of its brief closure. Teman's updated BOP medical records, which are attached as Exhibit A, reflect Teman's self-reported dietary restrictions.¹ A report of a BOP medical visit, dated February 6, 2024, states that Teman complained of "lactose intolerance as a child and wheat allergy after Johnson and Johnson covid vaccine." (Ex. A at 39; *see also* Ex. A at 41, noting that Teman claimed to have been "immunocompromised" and that he "frequently [had] infections for the past

¹ The Government previously has provided to the Court in connection with other filings certain of Teman's BOP medical records. As with those records, the Government respectfully requests that Exhibit A be filed under seal as well. For similar reasons, the Government also respectfully requests that Exhibits B, C, and D, which are BOP records relating to dietary accommodations for Passover, also be filed under seal.

2 years,” which Teman “associate[d] cause of ongoing dizziness and chills to prior Johnson & Johnson Vaccine.”). The BOP contacted Mount Sinai in New York for records of Teman’s reported lactose intolerance, but none was located due to the age of any records. Also attached, as Exhibit B, is Teman’s itemized commissary purchase history since approximately October 2023. In addition to foods that would seem to meet Teman’s dietary restrictions, his purchase history also includes, among other things, plain bagels, chocolate cookies, frosted flakes, brownies, and iced honey buns, which would not appear to comport with a gluten-free diet. (*See, e.g.*, Ex. B at 20, 23).

Second, the BOP is making efforts to meet Teman's religious needs, and in particular over Passover. BOP's Chaplaincy Services advised that, on approximately July 5, 2019, when Teman initially was in custody at FDC Miami immediately following his arrest, Teman was approved to participate in the Common Fare Kosher Religious Diet. BOP reports that Teman has consistently participated in the program during his time in custody. Additionally, Teman has been approved to participate in Passover and receive meal accommodations. During Passover, spanning from the lunch meal on April 22, 2024 through the evening meal on April 30, 2024, Teman will receive 26 kosher-for-Passover meals. FCI Miami's 2024 Passover Menu is attached hereto as Exhibit C. Also attached as Exhibit D is the Passover meal sign-up sheet, which BOP advises that Teman signed on approximately January 27, 2024, and which well predates the concerns raised by Teman's parents in their email. Consistent with that timing, FCI Miami's Chaplain advised he has frequent contact with Teman and, until these issues were raised, was unaware of any concerns regarding Teman's access to a religiously appropriate diet.

The Government remains available to consult with the BOP to provide any additional information.

Respectfully submitted,

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Cc: Defense counsel (by CM/ECF)